

I have received many unsolicited faxes. Every time that I took an advertiser to court for the TCPA violation, I was falsely accused of calling fax broadcaster Fax.com and requesting their faxes. In early cases, the Court believed Fax.com's lies and ruled against me.

In every case that I won in Small Claims Court and that the defendant appealed to Superior Court, the Judge ruled against me despite the facts supporting the case that were uncontroverted in the retrial. The Superior Court Judge clearly did not understand the law and the mandatory nature of the damage provisions of the TCPA.

Regarding prerecorded advertisements by telemarketers, I believe these violators are the worst of the bunch. They are very difficult to track down for TCPA action. Local police and telephone companies refuse to help with identifying the violators. I would like for you to consider changing the nature of the violation to criminal rather than civil. Provide for very stiff sentences.

The TCPA currently allows for a civil action only if a telemarketer has violated the law two or more times after I have requested "do not call". This is unusual. I can't think of any other law where the perpetrator is allowed one free pass at a violation. In addition, the recordkeeping required now is burdensome. Now we need to keep track of the call in which we made the do not call request, record the first call after that -- the "free pass" -- and record the second call in violation of the do not call request.

The TCPA does not exempt unsolicited faxes to persons with whom the faxer has an established business relationship, however the FCC has erroneously claimed that such an exemption exists in the law. Please correct the FCC interpretations that imply the EBR exemption.

During election periods, campaigns frequently use prerecorded telemarketing advertising. Business use non-profit fronts in order to escape the authority of the TCPA. Neither of these groups should be allowed exemptions to the requirements of the TCPA. It is not the content of their message that I object to. It is the interruption at my home.